

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – DECEMBER 3, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M.

All Councilors were present.

Also present was Ms. Karen Mahalick, Planning & Zoning Manager, Ms. Estefanie Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Abrams made a motion to approve the Agenda as presented.
Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

4. MATTERS FROM THE MAYOR.

None.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

A. Councilor Simmons – Wildlife West

Councilor Abrams contacted the Energy Commission and many members are out of town until after December 19, 2008. A meeting will be scheduled after that date.

Councilor Simmons asked to thank Ms. Jaramillo for her efforts on the after school programs. She also discussed the Farmers Market winter location. She inquired on Wildlife West Funding options and proposed that Mr. Rael's letter be made public. Mr. Rael stated that this letter is client-attorney privilege it is up to the Mayor as to whether or not to make this letter public on Wildlife West.

Mayor Stearley stated that he would like the letter to be available for the public.

6. MATTERS FROM THE ATTORNEY.

Mr. Rael reported that he did not have any matters to discuss this evening.

7. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for this same topic.

Mr. Chuck Ring discussed assistance to Moriarty for the Call Center facility and his support of this endeavor.

Ms. Sue West congratulated Ms. Jaramillo and asked Ms. Mahalick about the wastewater schedule. Ms. Mahalick responded stating that the schedule was still the same.

Initials

Ms. West also commented on the JPA with Moriarty and Regional Animal Control and stated that she would like to see the funds stay in the Town.

Ms. Jaramillo updated the Council on the School Board presentation for after school stating that she would like to get the results from the survey before they present to the Board. She also asked for support in her run for a seat on the School Board in District Five.

Councilor Simmons reported that she had spoken to Mr. Fred Burger and that he was doing well after a medical emergency.

8. TOWN'S ATTORNEY REPRESENTATION FOR CAMPBELL RANCH.

Mayor Stearley requested that the Town transfer the Campbell Ranch duties from Attorney David Henderson to Attorney Marcus Rael.

MOTION: Councilor Hill made a motion to transfer these duties to Mr. Rael. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

9. JOINT POWERS AGREEMENT – TOWN OF EDGEWOOD/CITY OF MORIARTY.

B. Request Staff to prepare JPA for the Council's consideration at a future Council Meeting.

Mayor Stearley updated the Council on this item including the amount that he would like to dedicate as a means to demonstrate to Citizens the Town's concern about jobs in the community.

Councilor Simmons stated that she would like to see Moriarty invest in a Regional Animal Shelter.

Councilor Abrams applauded the regional spirit and the effort to bring jobs in during a struggling economy but was concerned how this falls under the Anti-Donation clause.

Mr. Rael clarified that the Town was allowed to participate in this under a JPA and the Economic Development Act.

Councilor Hill discussed the fact that the building was owned by the City of Moriarty.

Councilor Felton asked if the City had been informed on the matter.

Mayor Stearley stated that he had sent a letter to the Council and that yes they were up to speed.

Councilor Felton asked if there was something in writing about JPA's from the Department of Finance and Administration.

Mr. Rael responded stating that all JPA's must go to DFA for review and approval.

Councilor Felton asked for more information quantifying the number of jobs estimated to be brought in.

Mr. Rael stated that he would include this in his report to council.

MOTION: Councilor Hill made a motion to request staff to develop this JPA with the City of Moriarty. Councilor Simmons seconded the motion for discussion.

Councilor Simmons asked for clarification on whom Mr. Real would be working on in regards to this agreement.

Mayor Stearley clarified that Mr. Real would be working with the Attorney for the City of Moriarty.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

10. MATTERS FROM THE MUNICIPAL JUDGE.

C. Judge White will review his report for the month of November, 2008.
Ms. Muller presented the Judges report for Council.

11. PUBLIC HEARING.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that Public Notice had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

D. Request for annexation of 947.040 acres of territory adjoining the southwestern boundary of the Town of Edgewood, being Section 32, T10N, R7E and a portion of Section 29 T10N, R7E.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams confirmed no conflict of interest or ex-parte communication.
Councilor Felton confirmed no conflict of interest or ex-parte communication.
Mayor Stearley confirmed no conflict of interest or ex-parte communication.
Councilor Hill confirmed no conflict of interest or ex-parte communication.
Councilor Simmons confirmed no conflict of interest or ex-parte communication.
Mr. Marcus Rael swore in the parties to testify at this time.

Ms. Mahalick updated the Council and Public on the petition. She also discussed the fact that this annexation would allow the Town to police the area as well as provide other Town amenities.

Mayor Stearley asked if the signs had been posted in the area.

Ms. Mahalick confirmed that they had.

Councilor Simmons asked about access to the State Land by the Police Department.

Ms. Mahalick stated that they would use Los Cerritos on an emergency basis as there is not public access at this time.

Councilor Felton asked about the number of incidents in this area.

Ms Mahalick stated that as an adjoining property owner for twenty years she was unaware of incidents other than reports of gunfire.

Mr. John Bassett was sworn in at this time.

Mr. Bassett testified that he was aware of deer baiting, camping out, wood cutting, and campfires.

Councilor Hill asked which agency would respond in the case of an emergency and stated that he would feel more comfortable with the Edgewood Police responding.

Mayor Stearley asked about the maintenance of the additional roads.

Ms. Mahalick stated that the roads were private and that it is generally a quiet area.

Councilor Felton asked about the State Land Office development of the property.

Ms. Mahalick described the process for Council.

Councilor Felton asked about private development and the option of a PID.

Ms. Mahalick stated that a PID is usually agreed upon mutually.

Mr. Rael stated that upon development the Town would be called upon to provide services.

Mr. TJ Malloy gave testimony at this time and was speaking as a homeowner who was concerned about his easement to access the annexed property. He also discussed the types of vehicles that the police would use to access the area. He was concerned with any other parties that would have access to this land.

Mayor Stearley stated that the Town was not going to make any changes but that there may be an access off of Barton Road.

Ms. Mahalick stated that the Town did not have any intention of condemning any of the easements to create access to the land.

Councilor Simmons asked about the density of the trees.

Mr. Malloy responded stating that the State and a Contractor had completed some thinning and chipping and in his opinion they had done a good job.

Councilor Hill asked Mr. Malloy if his primary concern was the Town seeking access through Los Cerritos. Mr. Malloy stated that yes this was his main concern.

Councilor Hill asked Ms. Mahalick if she had received any requests from Council or the Governing body to create easement through Los Cerritos.

Ms. Mahalick stated that she had not.

Councilor Felton asked if it was Mr. Malloy's opinion that his property had been used to illegally access this land. Mr. Malloy stated that this had been the case in the past but not in recent years.

Councilor Simmons asked Mr. Bassett how he had in the past accessed the property.

Mr. Bassett stated that access was through what is now Los Cerritos.

MOTION: Councilor Hill made a motion to approve the Annexation of 947.040 acres as identified and indicate SU & R-1 Zoning. Councilor Abrams seconded the motion.

Mayor Stearley asked if hunting would be permitted on the annex area.

Ms. Mahalick confirmed that it would not be allowed.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

12. COMMUNITY DEVELOPMENT REPORT.

E. Update on Infrastructure Projects.

Ms. Mahalick updated the Council on this item including some of the estimated costs for several projects and asked if there was anything else that Council would like her to add in the report to Mr. Makin.

Mayor Stearley asked what prompted this letter.

Ms. Mahalick stated that Mr. Roger Makin had sent a letter to all the Municipalities requesting

Councilor Abrams asked that if, in light of the Governors appointment, these projects should be brought to his attention.

Councilor Hill stated that he felt that the Municipal League was looking at these as a broad policy discussion and not at specificity.

F. Frost Road Update.

Ms. Mahalick updated Council on this item stating that to date there had not been any complaints.

Councilor Simmons asked about the copper lines location.

Ms. Mahalick stated that it was in the road and now will be placed deeper into the ground.

13. SIGN ORDINANCE UPDATE.

Mr. Mahalick updated the Council on this item stating that they had made very good progress.

Councilor Hill stated that he felt things were moving along smoothly.

14. RESOLUTIONS.

G. Resolution No. 2008-65 - Annexation In-Fill.

Ms. Mahalick asked Mr. Rael to speak about this item.

Mr. Rael stated that the Resolution would need to be amended to reference an Exhibit A, which is a map.

MOTION: Councilor Hill made a motion to adopt Resolution 2008-65 and amend it to state, "as identified in Exhibit A". Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Mayor Stearley stated that he would take this to Santa Fe County next week to show them the map.

H. Resolution No. 2008-66 - Nuisance Resolution.

Ms. Mahalick reviewed this item for the Council regarding a property on Church and 344.

Councilor Abrams asked about costs for abatement.

Ms. Mahalick stated that it would have to go out to bid.

Councilor Hill stated that he was one of the Councilors that expressed a concern to Town staff about this property. He also stated that this could become an issue that the Town needs stay on top of due to the difficult economic times.

MOTION: Councilor Hill made a motion to adopt Resolution 2008-66. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

15. APPROVAL OF PREVIOUS MINUTES.

I. Regular Council Meeting Minutes of November 19, 2008.

MOTION: Councilor Felton made a motion to approve the Minutes of November 19, 2008. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

J. Special Council Meeting Minutes of November 25, 2008.

MOTION: Councilor Felton made a motion to approve the Minutes of November 25, 2008. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

16. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

K. Regular Planning & Zoning Meeting of November 17, 2008.

MOTION: Councilor Felton made a motion to acknowledge receipt of the Planning & Zoning Minutes of November 17, 2008. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

17. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

L. Regular Council Meeting – December 17, 2008.

Note: The Town Hall Offices will be closed on Thursday, December 25, 2008 for Christmas Day.

18. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(7) the following will be discussed in Closed Session.

a. Pending Litigation.

MOTION: Councilor Hill made a motion to enter into closed session. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

MOTION: Councilor Hill made a motion to come back into open session. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

ATTEST: Councilor Hill made a motion to attest that no action was taken. Councilor Abrams attested. Councilor Felton attested. Mayor Stearley attested. Councilor Hill attested. Councilor Simmons attested.

19. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 8:06 P.M.

PASSED, APPROVED and ADOPTED this 17th day of DECEMBER, 2008.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer